

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KEVIN J. BARRY (CABN 229748)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Facsimile: (415) 436-7234
Email: kevin.barry@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CR No. 12-mj-71321 MAG
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER CHANGING HEARING DATE
)	AND EXCLUDING TIME
LETITIA MONTGOMERY,)	
BEVERLY CLOUDY,)	
CORY FULLER, and)	
TANISHA FULLER)	
Defendants.)	

The Court has set January 3, 2013 as the date for a preliminary hearing or arraignment.
The parties hereby stipulate to move the preliminary hearing or arraignment dates as follows:

Beverly Cloudy – January 16, 2013;

Cory Fuller – January 17, 2013;

Tanisha Fuller – January 17, 2013; and

Letitia Montgomery – January 29, 2013

The parties request that the Court extend the time limits provided by Federal Rule of Criminal

STIPULATION & [PROPOSED] ORDER CHANGING HEARING DATE AND EXCLUDING TIME
CR 12-mj-71321 MAG

1 Procedure 5.1(c) and 18 U.S.C. § 3161 through the dates listed above for the respective
 2 defendants. This extension of time is necessary for the parties to explore possible pre-indictment
 3 resolution, to produce and to receive discovery, and for effective preparation of counsel.

4 Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of
 5 time, and the parties represent that good cause exists for this extension, including the effective
 6 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties
 7 also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the
 8 date of this Order through the dates listed above for the respective defendants. The parties also
 9 agree that the ends of justice served by granting such an exclusion of time outweigh the best
 10 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

11
 12 SO STIPULATED:

MELINDA HAAG
 United States Attorney

14 DATED: January 3, 2012

15 /s/
 KEVIN J. BARRY
 Assistant United States Attorney

17 DATED: January 3, 2012

18 /s/
 DAVID W. SHAPIRO
 Attorney for LETITIA MONTGOMERY

20 DATED: January 3, 2012

21 /s/
 ROGER PATTON
 Attorney for BEVERLY CLOUDY

22 DATED: January 3, 2012

23 /s/
 LAURA ROBINSON
 Attorney for CORY FULLER

25 DATED: January 3, 2012

26 /s/
 SCOTT SUGARMAN
 Attorney for TANISHA FULLER

~~PROPOSED~~ ORDER

For the reasons stated above, the Court sets the following dates as the dates for the arraignment or preliminary hearing for the respective defendants:

Beverly Cloudy – January 16, 2013;

Cory Fuller – January 17, 2013;

Tanisha Fuller – January 17, 2013; and

Letitia Montgomery – January 29, 2013

The Court finds that extension of time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through the dates above for the respective defendants, is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 1/3/13



THE HON. KANDIS A. WESTMORE
United States Magistrate Judge